

## **Topsfield Zoning Board of Appeals**

March 25, 2008

Chairman Moriarty called the meeting to order at 8:00 PM. Board members present were Bob Moriarty, Kristin Palace, Tony Penta, Lisa Stern-Taylor and Scott Dow. Roberta Knight, Community Development Coordinator was also present as well as the applicants, their representatives and interested residents. See attached attendance sheets for specific public hearings.

**59 Main Street:** At 8:00 PM, Chairman Moriarty called the continued public hearing to order to consider the application submitted by of Edmond LeClair for premises located at 59 Main Street requesting (1.) a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 1, Residential, Sub-section 1.3 Multi-Family Dwelling to convert premises to a multi-family dwelling consisting of three (3) townhouses; (2.) a finding pursuant to Article III, Section 3.05 of the Zoning By-Law relative to the reconfiguration of the footprint and demolition of existing structure; (3) for a variance pursuant to Article IV, Section 4.02, Table of Dimensional And Density Regulations, for front and side set back requirements and (4.) site plan review pursuant to Article IX of the Zoning Bylaw as amended at the January 22, 2008 public hearing.

Project Engineer Matthew Steinel reviewed the revised site plan. He noted his letter dated March 10, 2008 and formally requested that the Board waive the requirement to provide storm water management and compensatory storage calculations as well as the structural design for the retaining wall. He referenced the Massachusetts Stormwater Management Standards that exempts multi-family housing developments with four or fewer units. It was also noted that the actual new footprint size is only 14% larger than the existing footprint as opposed to 20% as previously stated to the Board. Upon further discussion, the Board concluded that it would take notice of the DEP's policy and waive the calculations.

The stonewall as revised on the site plan was then addressed by Mr. Steinel. The stonewall as shown has been moved back approximately 2 ½ to 3 feet to the lot line such that the guardrail would be placed in front of the wall and separated from the retaining wall by a landscaped slope pitched to the wall. All drainage from the parking lot is pitched to street. Mr. Leclair provided the Board with sample photographs of the proposed stonewall and guardrail. Both exhibits were entered into the record. It was the consensus of the Board that this design was a much better solution.

The lighting was then addressed. A picture of the proposed sconces was presented, and Chairman Moriarty modified the architectural plans to note placement of the outdoor lights.

The applicant noted that the windows would be 6 by 6-simulated divided lights, and colonial colors that would complement the nearby buildings would be used.

It was the consensus of the Board that a row of screening plantings (evergreens) should be located along the retaining wall along the side of the lot, and that small plantings should be located in front of the building. A small stonewall will also be sited for the front due to the change in elevation for the new structure. Both walls will be designed according to the referenced picture. Brick pavers will be used for the sidewalk.

Upon completion of its review of the required elements under site plan review, the Board requested the following changes be made to the site plan and architectural plans, and further made specific notations on said plans as follows:

- a. Windows: 6x6 simulated divided lights with glued mullion on both sides
- b. Outdoor sconces where indicated by symbol on plan; no other lighting; reference file photo of sconce
- c. Colonial colors to complement nearby buildings
- d. All architectural elements as indicated on plans
- e. Retaining wall to conform to Picture No.1 with small plantings
- f. Row of screening plantings indigenous to area (evergreens) along side retaining wall
- g. Guard rail to conform to Picture No. 2 along side retaining wall
- h. Front retaining wall to conform to Picture No.1 with small plantings
- i. Brick pavers for walkways
- j. No decks on back
- k. Privacy fencing between units located on slope to lot line
- l. Notation to be added to plan: "lot in floodplain"

Member Kristin Palace made the motion to approve the project construction of three townhouses as reflected in marked up plans and architectural drawings; seconded by member Lisa Taylor; so voted 5-0.

**4 North Common Street:** At 8:55 PM, Chairman Moriarty called the continued public hearing to order to consider the application submitted by Frank and Kristi Martino for premises, known as "The Commons", located at 4 North Common Street requesting a special permit pursuant to Article V, Section 5.04 and Article III, Table of Use Regulations Section 2. Community Facilities, Sub-section 2.16 Conference and Event Facility for said facility located in the Central Residential District.

Attorney James Meehan of Grenier Associates representing the applicants Frank and Kristi Martino (The Commons 1874 Inc.) referred to the new License Agreement between the Commons 1874 Inc. and the Congregational Church that has been negotiated since the January 22 public hearing. This license allows the exclusive use by The Commons of 50 paved parking spaces and 10 non-paved parking spaces within the Church parking lot for guest parking related to events held at 4 North Commons Street. The license covers use for every Friday, Saturday and Sunday throughout the year (52 weeks) between the hours of 3:00PM and 11:30PM. It is a two-year agreement with five (two year) options by The Commons.

Attorney Meehan went on to state that obtaining the special permit would assist in the Land Court case and would give the applicant additional security to operate his business if the legal case was lost in Land Court. He also noted that Mr. Martino has addressed the parking situation relative to the issues raised at the January 22<sup>nd</sup> hearing by the area residents.

Member Lisa Taylor noted the improvement of the traffic situation in the area surrounding the Commons. She also stated that the license agreement should be a condition of any special permit that may be granted by the Board. Further, if the property were to be sold the special permit would become null and void. Any special permit would be given specifically to the Martino's for the operation of The Commons.

Chairman Moriarty agreed and stated that it was the sense of the Board to grant the special permit with the specific condition that the licensing agreement is in effect. He requested that a formal vote be postponed until the next meeting in order to prepare a formal motion with conditions. Further, he requested that the applicant request an extension until May 22, 2008 in order to give the Board sufficient time to draft the formal decision.

Attorney Meehan provided the Board with the written request for an extension until May 22, 2008. Chairman Moriarty made the motion to grant the extension request until May 22, 2008 for The Commons; seconded by member Kristin Palace; so voted 5-0.

**166 Washington Street:** At this time, Chairman Moriarty made the motion to approve the request to extend the application to April 22, 2008; seconded by member Scott Dow; so voted 5-0.

**17-19 Main Street:** At 9:39 PM, Chairman Moriarty called the public hearing to order to consider the application of RiverSky Realty Partners LLC for premises located at 17-19 Main Street requesting site plan review pursuant to Article IX of the Zoning Bylaw for the construction of new retail/office building and related site improvements. Member Lisa Taylor read the legal notice for the record.

Mr. Ara Aftandilian, the developer and owner of the property reviewed the site plan and architectural drawings with the Board.

**Site Plan:**

- New building to include three (3) first floor retail spaces, professional offices on second floor, and developer's offices on third level.
- Pushed back the building footprint by 14 feet to give a front set back of 14 feet
- 10-foot walkway between new building and Marciano structure
- Landscaped walkway to fence area possibly pea stone (details to be worked out with Frank Iovanella)
- Pavement in back right to building

- Access easement in back with 6 Central Street for parking and exiting of vehicles for both parties
- Street parking for customers
- Streetscapes for front with pavers and planters
- Plantings near office building entrance on Central Street side
- Curb cut on Main Street to be eliminated; curbing to be replaced to provide two parking spaces for customer parking
- Drainage would all flow to street; working with Highway Department to install a catch basin in street to connect to street drainage system

**Architectural Drawings:**

- Traditional architecture with farmer's porch on front of building at ground level elevation with New Meadows market to relocate to corner space with Central Street
- Windows presently designed at 4 over 1 for first floor and looking to place divided lights on second floor as well (ZBA suggested 6 x 6 or 4 x 4)
- Third floor space is very limited (approximately 300 sq. ft.) that will be developer's offices, and as such may eliminate elevator shaft to third floor.
- Building will have a basement with access by NMM only
- Building's exterior: pine plank exterior siding, wood trim, architectural shingles
- No lighting plan as yet

**Missing Items on Plans:**

- Signage relative to placement, materials, color
- Square footage by floor
- Landscape Plan
- HVAC placement; shafts for vents take away square footage; proposed placement in back
- Porch - no steps, use of pavers
- Placement of dumpster (3 yd) in back

At 10:42 PM, member Kristin Palace made the motion to continue the public hearing to April 22, 2008; seconded by Chairman Moriarty; so voted 5-0.

The meeting was adjourned at 10:45 PM

Respectively submitted,

Roberta M. Knight  
Community Development Coordinator